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VIA ELECTRONIC FILING AND FAX (1-973-297-4906)

Honorable Madeline Cox Arleo, United States Magistrate Judge
United States District Court
MARTIN LUTHER KING COURTHOUSE
50 Walnut Street – Room 2060
Newark, New Jersey 07101

Re: **Russell-Brown v. The University of Florida Board of Trustees et al., No. 10-cv-04017-SDW-MCA**

Dear Judge Arleo:

I represent Plaintiff Sherrie Russell-Brown in the above-referenced matter. Respectfully, in light of Your Honor's December 7, 2010 Order (Docket Entry No. 43), I write to advise that Plaintiff appropriately seeks leave of Court to amend her Amended Complaint (Docket Entry No. 7) to name ALM Media, LLC, William L. Pollak and Karen Sloan, as Defendants, to include the specific factual allegations related to those parties and to provide additional jurisdictional facts (Docket Entry No. 44). See, e.g., Alan Moncayo, and Ruth Moncayo, his wife v. Great Wall Logistics, LLC, et al., No. 2:10-cv-04165 (SDW)(MCA) (Docket Entry No. 8, November 12, 2010) (wherein Your Honor, within one-week of their seeking leave, granted Plaintiffs' November 5, 2010 Motion to Amend Complaint, Docket Entry No. 6, to add four (4) defendants whose identities were unknown at the time of the filing of the Complaint).

In Your Honor's December 7, 2010 Order, Defendants were directed to file their responses to Plaintiff's Amended Complaint, on or before December 21, 2010. However, ALM Media, LLC, William L. Pollak and Karen Sloan are not named in the Amended Complaint and the Amended Complaint does not include factual allegations related to them. The need to add those parties only arose as a consequence of the Defendants' actions subsequent to the filing, on August 31, 2010, of Plaintiff's Amended Complaint.

In addition, Plaintiff's First and Second Amended Complaints (Docket Entry Nos. 20 and 39) were filed, without seeking leave of Court, because primary and secondary authority on the issue of amendments as of course in actions involving multiple defendants, seemed to support that Plaintiff need not obtain leave of Court and I did not want to waive Plaintiff's right to amend, as of course, if, indeed, it had been revived with additional parties (see, e.g., 6 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1481, AMENDMENTS AS OF COURSE – ACTIONS BY OR AGAINST MORE THAN ONE PARTY (3d ed. Current through the 2010 Update)).

Further, Plaintiff's Amended, First and Second Amended Complaints (Docket Entry Nos. 7, 20 and 39) are entitled and filed as such, not to conceal amendments, but because the Clerk's Office told Plaintiff to entitle and file her initial amended complaint as "Amended Complaint," then "First Amended," "Second Amended," and so on.

However, again, Plaintiff appropriately seeks leave of Court to amend her Amended Complaint (Docket Entry No. 7) to name ALM Media, LLC, William L. Pollak and Karen Sloan, as Defendants, to include the specific factual allegations related to those parties and to provide additional jurisdictional facts (Docket Entry No. 44).

Thank you for your consideration.

Respectfully submitted,

s/ Lennox S. Hinds

LSH/sbt

cc: Zoë Eva Jasper, Esq., Attorney for Defendants the University of Oxford and Oxford University Development (North America), Inc. (via CM/ECF)

Bruce S. Rosen, Esq., Attorney for Defendants ALM Media, LLC, William L. Pollak and Karen Sloan (via CM/ECF)

Ian S. Marx, Esq., Attorney for Defendants the University of Florida, Board of Trustees, the University of Florida, Levin College of Law and Robert H. Jerry, II (via CM/ECF)